

REMARKS

Claims 1-12 and 16-18 were pending in the application.

Claims 1-12 and 16-18 are rejected.

Claims 1-7 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearson (US 5,788,867) in view of Pickering et al. (US 5,902,487)

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearson US '867 in view of Pickering et al. US '487 and further in view of Avotins et al. US 5,853,677

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearson US '867 in view of Pickering et al. US '487 and further in view of Duan US 5,728,295.

Claims 1 and 5 have been amended.

Claims 4, 8 and 9 have been cancelled.

Claims 1-3, 5-7, 10-12 and 16-18 are now pending.

Rejections under 35 U.S.C. 103(a)

The Examiner rejects claims 1-7 and 10-12 under 35 U.S.C. 103(a) as being unpatentable over Pearson US '867 in view of Pickering et al. US '487.

~~Examiner asserts that Pearson teaches a process for combining polymeric particles with dispersed particulate solids substantially as claimed. Pickering is cited as showing that flocculants commonly have the intrinsic viscosity recited at the conclusion of claim 1.~~

The Applicants has amended claim 1 to better define the instant invention by specifying the polymeric particles "as solid grade polymer particles". Support for this amendment can be found in the specification on page 14, first sentence of first full paragraph and paragraph bridging pages 14 and

15. Also further support for the amendment can be found on page 15, last three lines of first full paragraph and in Example 1, line 4 including the heading.

Claim 5 has also been amended to refer to solid polymeric agglomerates or aggregates.
The basis for this amendment can be found on page 12, third paragraph.

No new matter has been added.

Pearson describes a process for stabilizing red mud waste slurries using water-soluble polymeric emulsions or microemulsions only. See column 3, lines 13 and 18-19. See also claims 1 and 2 of US '867. The instant amended claim 1 now requires a "solid grade polymer particle" further distinguishing the polymeric particles. The key attributes of the instant invention are now a) pumpability; b) addition during or prior to pumping; and c) the selection of a specific "solid grade polymer particles". The amended claim is now clearly distinguished from Pearson's water soluble polymeric emulsions used for stabilizing red mud waste slurries. Since the combination of Pearson in view of Pickering no longer give all of the required inventive features of the instant application, the Applicants submit that the rejection is overcome.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearson US '867 in view of Pickering et al. US '487 and further in view of Avotins et al. US 5,853,677. Claims 8 and 9 are cancelled. Thus this rejection is overcome.

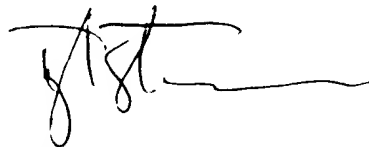
Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearson US '867 in view of Pickering et al. US '487 and further in view of Duan US 5,728,295. Claims 16-18 are ultimately dependant upon the amended claim 1 and as such now incorporate all of the inventive features of claim one. Since the combination of Pearson in view of Pickering or Duan no longer give all of the required inventive features of the instant applications, the Applicant submits that this rejection is overcome.

Reconsideration and withdrawal of the rejection of claims 1-3, 5-7, 10-12 and 16-18 is respectfully solicited in light of the amendments and remarks *supra*.

Since there are no other grounds of objection or rejection, passage of this application to issue with

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Stevenson', with a long horizontal flourish extending to the right.

Tyler Stevenson
Agent for Applicants
Reg. No. 46,388

Ciba Specialty Chemicals Corporation
540 White Plains Road
Tarrytown, New York 10591
(914) 785-2783
SAL\21927_FR.doc

Enclosure: Petition for one month extension